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MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

CUSTOMS

New Delhi, the 31st October, 1957

S.R.O. 3505.—The following draft of certain rules which the Central Government proposes to make, in exercise of the powers conferred by section 43-B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by subsection (3) of that section for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 15th November, 1957.

Any objection or suggestion which may be received from any person in regard to the said draft before the said date will be considered by the Central Government.

DRAFT RULES

1. Short title.—These rules may be called the Customs Duties Drawback (Staple Fibre Yarn) Rules, 1957.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Sea Customs Act, 1878 (8 of 1878);
- (b) "Chief Customs Officer" means the Chief Customs Officer of the port at which a registered manufacturer imports staple fibre;
- (c) "Customs Collector" means the officer authorised by the Chief Customs Officer to exercise the powers of the Customs Collector under these rules;
- (d) "goods" means Staple Fibre Yarn manufactured in India or the State of Pondicherry wholly of staple fibre—
 - (i) by a registered manufacturer, in the case of goods claiming drawback at the rate mentioned in rule 5(i), and
 - (ii) by any manufacturer, in the case of goods claiming drawback at the rate mentioned in rule 5(ii) and in the manufacture of which imported material has been used;

- (e) "half-year" means the period of six months beginning with the first day of January or the first day of July;
- (f) "imported material" means—
 - (i) staple fibre imported by a registered manufacturer into India or the State of Pondicherry on payment of Customs duty, or
 - (ii) rayon grade caustic soda imported into India or the State of Pondicherry on payment of Customs duty; and
- (g) "registered manufacturer" means a person manufacturing the goods from imported staple fibre, and registered under rule 4.

3. **Goods in respect of which drawback may be paid.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed at the rates hereinafter specified in respect of the imported material used in the manufacture of the goods exported from India or the State of Pondicherry, or shipped as stores on board a ship proceeding to a foreign port.

4. **Registration of manufacturers.**—(1) A drawback at the rate specified in rule 5(i) shall apply only in respect of the goods manufactured from imported staple fibre by a person registered under, and for the purposes of, these rules by a Chief Customs Officer.

(2) An application for registration shall be made by the manufacturer of the goods using imported staple fibre, to the Chief Customs Officer, furnishing particulars of the goods to be manufactured and the materials to be used in such manufacture and such other particulars as the authorised Chief Customs Officer may require for the purpose of these rules.

(3) The Chief Customs Officer may, if he is satisfied that the provisions of these rules have been complied with, register the applicant as a manufacturer under, and for the purposes of, these rules.

(4) The Customs Collector may require every manufacturer registered under this rule, to have particulars of all his imports of staple fibre entered in a register specially maintained in the Custom House for this purpose.

5. **Rate of drawback.**—The rate of drawback admissible under these rules shall be—

- (i) forty naye paise per pound of the goods in the manufacture of which it is established to the satisfaction of the Customs Collector that staple fibre imported by the registered manufacturer during the half-year immediately preceding the half-year in which the shipment takes place, has been used, and
- (ii) five naye paise per pound of the goods shipped in other cases.

6. **Manner of allowing drawback.**—Drawback shall be allowed on the export of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely:—

- (a) the exporter shall make a declaration on the relative shipping bill—
 - (i) that a claim for drawback under section 43-B of the Act is being made, and
 - (ii) whether drawback at the rate admissible under rule 5(i) or rule 5(ii) is being claimed;
- (b) that the exporter shall furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods shipped; and

(c) if drawback be claimed at the rate admissible under rule 5(i)–

(i) the exporter, if he is himself the registered manufacturer, shall state the particulars of the registration, on the shipping bill; and

(ii) the exporter, if he be a person other than the registered manufacturer of such goods, shall produce before the Customs Collector at the time of shipment of the goods, a declaration from the registered manufacturer to the effect, that the goods have been manufactured by such registered manufacturer and also shall produce such other proof as the Customs Collectors may require to satisfy himself that the goods have been so manufactured.

7. Powers of Customs Collector.—For the purpose of enforcing these rules, the Customs Collector may require the exporter or the manufacturer of the goods to produce any books of accounts or other documents or to furnish any returns relating to the proportion and quantity of the imported material used in the manufacture of the goods and the duty paid thereon.

8. Access to Manufactory.—The manufacturer of the goods in respect of which a drawback is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 235.]

S.R.O. 3506.—In exercise of the powers conferred by sub-section (3) of section 43-B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the Customs Duties Drawback (Nitrous Oxide) Rules, 1955, the same having been previously published as required by the said sub-section, namely:—

AMENDMENTS

In the said rules:—

(1) in rule 2, for clause (e), the following clause shall be substituted, namely:—

“(e) ‘half-year’ means a period of six months beginning with the first day of January or the first day of July”;

(2) in rules 6 and 8, for the word “quarter”, wherever it occurs, the words “half-year” shall be substituted;

(3) in the form at the end, for the word “Quarterly” the words “Half-yearly”, and for the word “quarter”, wherever it occurs, the words “half-year”, shall be substituted.

[No. 236.]

S.R.O. 3507.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by Section 43-B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry is published as required by sub-section (3)

of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 15th November, 1957.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. **Short title.**—These rules may be called the Customs Duties Drawback (Roofing Felt) Rules, 1957.

2. In these rules, unless the context otherwise requires,—

- (a) "the Act" means the Sea Customs Act, 1878, (8 of 1878);
- (b) "goods" means roofing felt (3-ply, 2-ply or underlay), manufactured in India or the State of Pondicherry and in the manufacture of which imported material has been used;
- (c) "imported material" means raw felt imported into India or the State of Pondicherry on payment of Customs duty.

3. **Goods in respect of which drawback may be paid.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in respect of the imported materials used in the manufacture of the goods exported from India or the State of Pondicherry, or shipped as stores for use on board a ship proceeding to a foreign port.

4. **Rate of drawback.**—The rate of drawback admissible under these rules on the shipment of the goods shall be as follows:—

Variety of roofing felt	Rate of drawback per ton of goods shipped.
Roofing felt—	
(i) 3-ply	Rs. Ninety-eight.
(ii) 2-ply	Rs. One hundred and three.
(iii) Underlay	Rs. One hundred and fifty-nine.

5. **Manner of allowing drawback.**—Drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely:—

- (a) that the shipper shall on the relative shipping bill make—
 - (i) a declaration that a claim for drawback under Section 43-B of the Act is being made; and
 - (ii) a declaration showing the quantity of each variety of the goods (3-ply, 2-ply or underlay) under shipment.
- (b) that the shipper shall furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods under shipment.

6. **Powers of Customs Collector.**—For the purpose of these rules, the Customs Collector may require the shipper or the manufacturer of the goods to produce any books of accounts or other documents relating to the proportion and quantity of the imported material used in the manufacture of the goods and the duty paid thereon, or to furnish any return in respect thereof.

7. Access to manufactory.—The manufacturer of the goods in respect of which a drawback is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 238.]

S.R.O. 3508.—In exercise of the powers conferred by Section 6 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Finance (Revenue Division), No. 5—Customs, dated the 18th January, 1952, namely:—

In the Schedule to the said notification after S. No. 6-A and the entries relating thereto, the following shall be inserted, namely:—

“6-B—Kandla.

The Assistant Collector
of Customs, Kandla”.

[No. 240.]

S.R.O. 3509.—In exercise of the powers conferred by Section 6 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Finance (Revenue Division), No. 6—Customs, dated the 18th January, 1952, namely:—

In the Schedule to the said notification, in the third column against Serial No. 5, for the words “The port of Bombay” the words “The ports of Bombay and Kandla” shall be substituted.

[No. 241.]

S.R.O. 3510.—In exercise of the powers conferred by Section 188 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby empowers the Collector of Customs, Bombay, to hear appeals from decisions of and orders passed by the Assistant Collector of Customs, in charge of the port of Kandla, provided that if, between the date of the decision or order and the date of the hearing of the appeal, the officer who made the decision or passed the order has been promoted to be the Collector of Customs, by whom the appeal would otherwise be heard, the appeal shall lie to the Central Board of Revenue.

[No. 242.]

S.R.O. 3511.—In exercise of the powers conferred by Section 6 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby appoints all Appraisers, Examiners and Preventive Officers borne on the establishment of the Customs Department of Kandla to be Officers of Customs and to exercise the powers conferred and perform the duties imposed by the said Act on such officers.

[No. 243.]

M. A. RANGASWAMY, Dy. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 31st October, 1957

S.R.O. 3512.—In exercise of the powers conferred by section 100A of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the following rules, namely:—

THE LUREX YARN (MANUFACTURE IN BOND) RULES—1957

1. Short title.—These rules may be called the Lurex Yarn (Manufacture in Bond) Rules, 1957.

2. Definitions.—In these rules, unless the context otherwise requires:—

- (a) “the Act” means the Sea Customs Act 1878 (8 of 1878);
- (b) “section” means a section of the Act;
- (c) “warehouse” means a warehouse licensed under the Act or under the Inland Bonded Warehouses Act, 1896 (8 of 1896);
- (d) “foreign materials” means lurex yarn imported from abroad and warehoused under chapter XI of the Act or under the Inland Bonded Warehouses Act, 1896 (8 of 1896);
- (e) “goods” means fabrics in the manufacture of which lurex yarn has been used;
- (f) “manufacture in bond” means the manufacture of the goods in a warehouse under section 100-A;
- (g) “manufacturer” means a person registered by the Chief Customs Officer for the purposes of these rules and authorised to carry on manufacture in bond;
- (h) “Chief Customs Officer” means the Chief Customs Officer of the port on which the imported materials are imported;
- (i) “Customs Collector” means the officer specially appointed by the Central Government for the purposes of these rules;
- (j) “proper officer” means the officer authorized by the Chief Customs Officer for the purposes of these rules.

3. Process of manufacture in bond which may be allowed.—Subject to the provisions of the Act and these rules, the Chief Customs Officer may permit warehousing of the foreign materials and the manufacture of goods therefrom in one or more warehouses.

4. Registration for manufacture in bond.—(1) Every application for registration as a manufacturer under these rules shall be made to the Chief Customs Officer.

(2) Such application shall—

- (a) specify the description of every material which is to be used in connection with the manufacture in bond;
- (b) specify every process of manufacture in bond desired to be carried on, and
- (c) furnish a description of the premises to be used as a warehouse for the purposes of these rules.

(3) The Chief Customs Officer may register the applicant as a manufacturer for the purposes of these rules and grant him a certificate of registration subject to such conditions as he thinks fit to impose under rule 9. The Customs Collector may then give the sanction required under sub-section (1) of section 100-A.

(4) A certificate of registration grant under sub-rule (3) shall specify—

- (a) the description of the foreign materials and the goods to be manufactured therefrom,
- (b) the conditions under which any operation of manufacture in bond may be carried on, and
- (c) the registration number allotted to the manufacturer.

5. Manufacturing operation.—(1) A manufacturer shall, whenever he desires to take foreign materials for manufacture in bond, present to the proper officer an exbond Bill of Entry together with a written application (hereinafter referred to as the issue application) specifying the date and time proposed for the operation, the quantity of foreign materials required, the process data indicating *inter alia* the consumption of the materials in the operation and possible wastage, the marks and numbers on the packages from which withdrawals of the materials are to be made and the particulars of the bond under which these were warehoused.

(2) The manufacturer may thereafter remove the foreign materials under the supervision of the proper officer from the warehouse in which the materials are stored to the warehouse in which the process of manufacture in bond is to be carried out.

(3) All containers of foreign materials, on which duty of customs has not been paid and which have become empty as a result of the manufacture in bond, shall be cleared from bond by the manufacturer on payment of duty at the rate applicable to such containers or be utilised in the packing of goods for export exbond, or at the request of the manufacturer, if not found worth the duty, be destroyed in the presence of the proper officer, the duty payable thereon being remitted. A register shall be maintained of the receipt and disposal of all such containers.

(4) Any waste arising from the process of manufacture in bond shall, likewise, be cleared from bond on payment of customs duty unless it is shown to the satisfaction of the Customs Collector that such waste has arisen solely from indigenous or duty paid materials, or at the request of the manufacturer, if found unfit for further use or not worth the duty payable thereon, shall be destroyed in the presence of proper officer, the duty payable thereon being remitted: Provided that the Customs Collector may, subject to an account being maintained to his satisfaction, allow any waste material to be used again for manufacture in bond.

6. Clearance from Bond.—(1) Goods manufactured in bond shall be suitably packed in the manner approved or prescribed by the Customs Collector and the packages marked and numbered. The packages shall also be conspicuously marked with the words "manufactured in Customs", if intended for export.

(2) The description and quantity of goods in different packages and the marks thereon shall be entered on the relative issue application which shall be duly endorsed by the proper officer.

(3) Subject to any limitations and conditions which may be imposed under any law for the time being in force, and subject to any exemption which the Central Government may grant under sub-section (4) of section 100A, goods

intended for home consumption shall be cleared on payment of customs duty at the rate leviable on the foreign materials on the date of the actual removal of such goods from the warehouse.

7. Manner of Shipment.—(1) An exporter exbond of goods manufactured in bond under these rules shall endorse this fact on all copies of the Shipping Bill and also indicate the relevant Issue Application number on the shipping bill.

(2) The goods shall be examined by the proper officer prior to despatch from the warehouse and the packages containing such goods shall be sealed with a customs or Central Excise seal after examination. The packages shall be checked in the docks and shipment allowed if the seals are intact.

(3) The relevant Issue Application shall be connected with the shipping bill and the quantity of foreign materials covered by the shipping bill set off against the oldest warehousing Bill of entry.

8. Time-limit under Act.—Clearance ex-bond of the goods for export shall be allowed free of duty provided the goods are exported within three years of the date of the oldest bill of entry covering any part of the foreign materials used in the manufacture of the goods covered by the Shipping Bill.

9. Powers of Customs Collector.—For the purposes of these rules, the Customs Collector may—

(a) require an applicant for registration under these rules—

- (i) to enter into a bond with the Central Government to the extent of twice the amount of customs duty payable on the non-duty paid materials to be warehoused;
- (ii) to make such alterations or arrangements in the factory premises as may be necessary, to the satisfaction of the Customs Collector;
- (iii) to provide such offices (including furniture and fittings) as may be required by the Customs Collector for his staff;
- (iv) to pay on demand all duties and charges together with interest at six percent per annum on the same from the date of such demand in respect of foreign materials not properly accounted for and to pay promptly all penalties incurred for any violation of rules framed for this purpose;
- (v) to pay the emoluments including allowances at the prescribed rates of such establishment as may from time to time be appointed by the Customs Collector for the supervision of the warehouses and the process of manufacture in bond;

(b) specify the date or days on which and the hours between which the manufacture in bond may be carried on;

(c) specify the procedure subject to which and the manner in which the goods may be cleared from the warehouse for home consumption or export under rules 6 and 7, so as to ensure full and complete accounts of the quantity of the foreign materials imported;

(d) require any person who has been concerned at any stage with the manufacture, sale or transfer of the goods under export to pro-

duce books or accounts and other documents of whatever nature relating to the quantity of non-duty paid material employed in the manufacture of such goods; and

- (e) require the maintenance of records and registers and sending of statement of values relating to the manufacture in bond in the manner prescribed by the Customs Collector

[No. 237.]

M. A. RANGASWAMY, Secy.

